

BEFORE THE PUBLIC UTILITIES COMMISSION OF COLORADO

DOCKET NO. 10A-409R

IN THE MATTER OF THE CITY OF FOUNTAIN FOR AUTHORITY TO CREATE
ALTERNATIVE AT-GRADE ROADWAY RAILROAD CROSSINGS FOR DUCKWOOD
ROAD AND TO CLOSE THE EXISTING MESA ROAD RAILROAD CROSSING

SUPPLEMENTAL RESPONSES TO QUESTIONS POSED BY ALJ

Pursuant to findings and orders entered at the Status Conference held June 8, 2016, the parties file this *Supplemental Responses to Questions Posed by ALJ* to revise the *Response to Questions from Administrative Law Judge* previously filed on January 9, 2013 (“Responses”), which Responses were incorporated into the Recommended Decision No. R13-0241 entered on February 25, 2013 (“Recommended Decision”) approving the Duckwood Crossing Application and requiring that Construction and Maintenance Agreements and Interconnection Agreement(s) be filed herein.

1. Several operational changes have occurred since the Recommended Decision, which changes required substantial modifications to the previously-filed Stipulations and Settlement Agreements filed herein which formed the basis for the Recommended Decision. Generally speaking, and all subject to and more specifically described in the Modified Stipulations and Settlement Agreement (list), the railroad tracks over which the Duckwood Crossing will be located are owned by UPRR (easternmost track) and BNSF (westernmost track). At the time the time the Recommended Decision was entered, the operations of the tracks were generally controlled by UPRR and UPRR had agreed to be responsible for the installation of the signal crossing equipment and other crossing improvements other than traffic improvements. Since that time, pursuant to changed agreements between the Railroads, BNSF

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will be responsible for operation of the railroad traffic over both tracks. Therefore, BNSF will install the signal crossing equipment, all as more specifically described and defined in the stipulations filed herein and the Construction and Maintenance Agreements to be filed with the PUC. At the Status Conference held on June 8, 2016, the Administrative Law Judge requested that the parties review and update their Responses based on these changed circumstances.

a. What is the date (at a minimum, month and year) on which Applicant anticipates:

(1) commencing construction of the proposed Duckwood crossing;

MODIFIED RESPONSE: August, 2016 (est). As soon as the executed BNSF Construction and Maintenance Agreement can be filed, bids will be solicited for demolition and removal of the earthen berm, which requires approval from the Railroads (it lies on Railroad property) and lies next to the tracks.

(2) What is the anticipated date for completing construction of the proposed Duckwood crossing;

MODIFIED RESPONSE: May, 2018

(3) What is the anticipated date for opening the proposed Duckwood crossing to traffic?

MODIFIED RESPONSE: July, 2018

b. MODIFIED RESPONSE: This Response is supplemented as follows: The City of Fountain understands that the Construction and Maintenance Agreements are required to be fully-executed and filed with the Commission prior to application for a CDOT Access Permit. This cannot happen until the Construction & Maintenance Agreements have been completed by the Railroads (which just occurred by BNSF the day before the Status Conference) and then executed and filed. The remainder of this Response has not changed.

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c. MODIFIED RESPONSE. This application for Quiet Zone status cannot be made until the Crossing is completed. The Crossing construction cannot commence until the Construction and Maintenance Agreements are completed by the Railroads, approved by all parties, fully-executed, and filed with the PUC. No further change to this Response.

RESPECTFULLY submitted this 23rd day of June, 2016.

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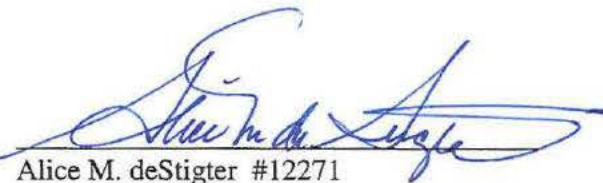
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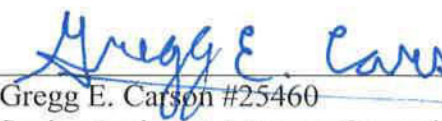
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**CERTIFICATE OF SERVICE
10A-409E**

I hereby certify that on this, the 5th day of July, 2016, the foregoing “Revised Responses to Questions Posed by ALJ” was filed with the Colorado Public Utilities Commission and served upon each of the persons appearing below through the Colorado Public Utilities commission e-filing system:

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